

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
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In the Matter of)
)
CITY OF BOSTON)
)
and)
)
SPRINT NEXTEL CORPORATION)
)
Relating to Rebanding Issues in the 800 MHz Band)

PS Docket No. 07-69

Mediation No. TAM-11155

FILED/ACCEPTED
SEP 17 2007
Federal Communications Commission
Office of the Secretary

To: Chief Administrative Law Judge

**CITY OF BOSTON'S ANSWERS TO
NEXTEL COMMUNICATIONS, INC.'S FIRST SET OF INTERROGATORIES**

The City of Boston, Massachusetts, by and through counsel, hereby provides its answers to
Nextel's First Set of Interrogatories and states the following:

Interrogatory Number 1:

1. Have any of Boston's representatives, including its attorneys, ever represented MCM
in any capacity or provided professional services to MCM at any point?

A. If the answer to Nextel Interrogatory 1 is in the affirmative, for each instance
of representation or the provision of professional services, please provide the date(s) of such
representation or provision of professional services, including the date on which such representation
or provision of professional services began and the date on which such representation or provision
of professional services ended. If any such representation or provision of professional services is
ongoing, so state.

B. If, as to any Boston representative, the answer to Nextel Interrogatory 1 is in
the affirmative, please describe such representation or provision of professional service. Such

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description should include a description of the nature of each representation or provisions of professional service, identification of opposing parties, if any, and identification of the commission, court, board, or other body before which such representation or provision of professional services occurred, if any.

Answer To Interrogatory 1. Boston's legal counsel does not and has not represented MCM in any professional capacity. Boston's legal counsel has conferred with MCM in the furtherance of Boston's position in this matter and other incumbent licensees' matters in general.

Interrogatory Number 2.

2. Do any of Boston's representatives, including its attorneys, hold any financial or ownership interest in, or have any financial relationship with, MCM?

A. If the answer to Nextel Interrogatory 2 is a affirmative, for each such financial interest or financial relationship, please provide the date(s) of such interest or relationship including the date(s) on which such interest or relationship began and the dates(s) on which such interest or relationship ended. If any such interest or relationship is ongoing, so state.

B. If, as to any Boston representative, the answer to Nextel Interrogatory 2 is affirmative, please describe each such financial or ownership interest or financial relationship. Such description should include a description of the nature of the interest or relationship as well as the approximate value of the interest or relationship.

Answer To Interrogatory 2: No

Interrogatory Number 3:

3. Identify any methods and/or tools relating to asset tracking and management presently used by Boston for any purpose, and any such methods and /or tools used for the specific purpose of asset tracking and management in the radio systems at issue in this hearing.

A. For each method or tool identified in response to Nextel Interrogatory 3, describe how Boston uses the tool or method to track or manage assets.

B. For each method or tool identified in response to Nextel Interrogatory 3, provide the date on which Boston began using the method or tool and the cost of the method or tool.

C. For each method or tool identified in response to Nextel Interrogatory 3, provide complete contact information for a person with knowledge of the operation of that method or tool.

Answer To Interrogatory 3: The question is overly broad as it applies to all “assets” which would include all property, real and personal, owned or operated by the City, including revenue streams, tax dollars, etc. Additionally, individual City departments may employ multiple methods of tracking different assets with a number of persons responsible for each method or tool. To respond to this question and its subparts with any degree of accuracy when applied to all methods employed by the entire City of Boston and its various departments would require the City to audit its auditing methods for each paper clip, desk, lamp, dollar, parcel of property, bank account, payment method, etc. totaling in the tens of billions of dollars represented by the City’s assets. Accordingly, the City objects to the question as overbroad as the question relates to the entire City and not the specific departments and methods at issue herein.

Notwithstanding the foregoing objection, the relevant methods employed by departments that are responsible for maintaining radio equipment data are simple lists, stored on spread sheets, maintained by Paul DeMattia for those radios identified within this matter as Boston Trunking radios, and another list maintained by Dave Troup for the Boston Police Department. The lists were first created in January of 2005. The person responsible for the Boston Trunking list is Ann Roper Quinn, to whom Mr. DeMattia reports. She is located at 1 City Hall Plaza - Room 702, Boston, Massachusetts 02201 (617) 635-4767. Mr. Dave Troup is located at 400 Frontage Rd, Rm 109, Boston, MA 02118 (617) 343-4620. The cost of the software used was nominal, i.e. less than \$200.

Interrogatory Number 4:

4. Identify any methods and/or tools for personnel management and/or project management, including timekeeping, assignments, staffing or scheduling, presently used by Boston.

A. For each method or tool identified in response to Nextel Interrogatory 4, describe how Boston uses the tool or method to manage personnel.

B. For each method or tool identified in response to Nextel Interrogatory 4, provide the date on which Boston began using the method or tool and the cost of the method or tool.

C. For each method or tool identified in response to Nextel Interrogatory 4, provide complete contact information for a person with knowledge of the operation of that method or tool.

Answer To Interrogatory 4: The question is overly broad as it applies to all City personnel in all departments and management of all projects for all purposes. To answer the question and its subparts as applied to all functions of the City of Boston would require the City to interview all persons with any form of supervisory authority, including senior police officers riding in a cruiser

with a two-man crew. Accordingly, the City objects to the question as overbroad and not specifically relevant.

Notwithstanding the foregoing objection, the relevant method employed by the City of Boston is use of PeopleSoft HR software that is updated semi-monthly for payroll purposes. The software does not provide task specific recording as used, rather it is intended to record only whether personnel are at work or not, for the purpose of calculating payroll and vacation time. Information is logged in daily as to whether a person is on the job or not; and if not, the reason (e.g. vacation or sick leave) why the person is not on the job. Staffing and scheduling are handled either by normal means of work scheduling based on a typical work week or by staffing that is created on an "as need" basis due to emergency conditions, by supervisory personnel.

Interrogatory Number 5:

5. Is Boston required to comply with Government Accounting Standards Board 34 (GASB 34)? Is Boston in fact in compliance with GASB 34 requirements?

Answers To Interrogatory 5: Yes. Yes.

Interrogatory Number 6:

6. Identify any accounting methods and/or tools presently used by Boston and identify with particularity any methods employed by Boston for compliance with GASB 34 requirements.

A For each method or tool identified in response to Nextel Interrogatory 6, describe how Boston uses the tool or method to manage personnel.

B. For each method or tool identified in response to Nextel Interrogatory 6, provide the date on which Boston began using the method or tool.

C. For each method or tool identified in response to Nextel Interrogatory 6, provide complete contact information for a person with knowledge of the operation of that method or tool.

Answer To Interrogatory 6: The City employs PeopleSoft that produces records in compliance with the GFOA Manual, which reports are forwarded to KPMG for further audit, review and preparation of final reports. The contact person with knowledge of the method is Paul Waple, City of Boston Auditing Department, 1 City Hall Plaza, M4, Boston, MA 02201 (617) 635-3394. The City is attempting to establish the date upon which the method was initiated and will provide that information upon its determination. The City does not employ the method to "manage" personnel, but rather to track the costs to the City of employing such personnel, accordingly, the method is employed moreover to manage costs generally, not the activities of personnel.

Interrogatory Number 7:

7. Identify all MCM personnel involved in the development of the Boston quotes and/or any presentations, demonstrations or training provided to Boston.

Answer To Interrogatory 7: Tom Bartels, President; Dan Catan, Chief Operating Officer; Robin Bevilacqua, Sales Representative. Ms. Bevilacqua is no longer employed by MCM. Misterys Bartels and Catan are located at 3510 Vann Road, Birmingham, Alabama 35235 (205) 655-8949. Although MCM engineers were also involved at various stages of this matter, the specific identities of these persons are unknown to Boston.

Interrogatory Number 8:

8. Identify each and every occasion when Boston personnel have used MCM software and/or been trained in the use of MCM software and/or attended demonstrations or presentations of

MCM software. Identify the occasion and method by which Boston initially became aware of MCM's 800 MHz rebanding software.

Answer To Interrogatory 8: Boston's personnel reviewed demonstrations of the MCM software at trade shows and pursuant to demonstrations given by MCM in 2006 in the greater Boston area by Robin Bevilacqua. The names of the specific MCM personnel providing such demonstrations, excepting Ms. Bevilacqua, are unknown to Boston as are the specific dates upon which the presentations were made, excepting one meeting that was held on April 26, 2006 attended by Ms. Bevilacqua. Boston's personnel have not been trained in the use of the software. Boston became aware of the software via MCM marketing and discussions with the State of Massachusetts, which State personnel were examining the software following the State's having it installed on their computer network.

Interrogatory Number 9:

9. Identify all documents, including manuals, presentations, correspondence, and quotes, provided to Boston or Boston's representatives by MCM.

Answer To Interrogatory 9: Quotes dated June 19, 2006; June 30, 2006; January 12, 2007, with the final combined quote equal to \$65,564.00 from MCM for use of the software for rebanding both the Police Radio system and the Boston Trunking system. Screen shots of MCM software used as a portion of the MCM presentation to potential buyers. Invitation materials relevant to meeting in Boston on April 6, 2006. All materials provided to the City from MCM are included in those documents provided pursuant to Nextel's First Request For Production of Documents, to which the City has responded concurrently with its Answers.

Interrogatory Number 10:

10. Identify all Boston personnel involved in the evaluation of MCM software, any alternative vendors or suppliers, and/or ultimate decision to procure MCM software.

A. Identify all documents, including correspondence, between any and such personnel and any other person discussing, comparing or evaluating MCM software and/or any alternative considered by Boston.

Answer To Interrogatory 10: The primary person responsible for evaluating the MCM software and any alternatives was Ann Roper Quinn, Telecommunications Manager, Management & Information Services, who also made the decision that the MCM software was necessary and reasonable for Boston to perform under the proposed terms of the FRA. She conferred with other persons, including David Troup, Paul DeMattia and the City's legal department, but the decision was hers.

A. The documents are those that are contained within the Proposed Resolution Memorandum materials etc. submitted before the Transition Administrator mediator, and those documents received by and from MCM, copies of which have been provided to Nextel pursuant to the City's response to Nextel's First Request For Production of Documents.

Interrogatory Number 11:

11. Identify each and every alternative to MCM software considered by Boston for this or any other asset tracking or project management purpose.

A. With respect to every alternative identified in response to Nextel Interrogatory 10, identify all documents, including but not limited to correspondence, manuals, presentations, and quotes provided by any alternative vendor to Boston or Boston's representatives.

B. With respect to every alternative identified in response to Nextel Interrogatory 10, identify all documents, including all drafts, discussion or evaluating such alternative.

Answer to Interrogatory 11: The potential use of Excel spreadsheets and Towerline were considered and there was some discussion with Motorola as to whether it had an internal product that might be of assistance.

A. No quotes were obtained and no materials were provided by alternative vendors except those materials which were reviewed pursuant to an internet search or which were provided by Nextel pursuant to negotiations.

B. All such materials were presented to Nextel pursuant to mediation and were included as documents in support of Boston's position at mediation and are included in the City's response to Nextel's First Request For Production of Documents.

Interrogatory Number 12:

12. Identify all documents, including all drafts, discussing, comparing or evaluation MCM software and/or any alternatives considered by Boston for this or any other asset tracking or project management purpose. This request includes all correspondence between Boston and MCM.

Answer to Interrogatory 12: The City objects to the interrogatory as overbroad as it applies to all asset tracking or project management engaged in by the City at any time and, thus, not relevant to this matter. Notwithstanding its objection, the City was assisted in its comparison of alternative software and MCM software via correspondence with MCM which correspondence is provided pursuant to Nextel's First Request For Production of Documents at Document Request 2, bates stamped copies 003316-19, 003305-14, 003301-02, 003292-95, 003287-88, 003272-73. The City further conferred with the State of Massachusetts regarding its trial uses of the MCM software for

which no documents were created and the City reviewed anecdotal information provided in magazine articles, which articles are also provided pursuant to Nextel's discovery requests. Finally, the City performed an internet search to gather facts on whether spreadsheets would be appropriate for the proposed use.

Interrogatory Number 13:

13. Identify all asset tracking, asset management, and project management functions Boston believes are necessary for the reconfiguration of Boston's systems. With respect to every function identified by Boston in response to Nextel Interrogatory 13, describe with specificity the reasons such function is necessary for the reconfiguration of Boston's systems.

Answer to Interrogatory 13:

Asset Tracking: The rebanding will require the City's to have the ability to track all affected assets, e.g. fixed sites, vehicles, components, spare parts, radio units, data terminals, consoles, antennas, personnel, drivers, and site rental costs. By being able to track constantly the location and identity of all affected assets, the project can be managed efficiently and without duplication of effort or omission of detail that might result in a failure to complete rebanding.

Project Management: The rebanding will require the City to have the ability to provide the ability for either a department or a centralized internal project management team to assess the progress of each phase of the project and to coordinate the deployment of internal personnel or external vendors to assure a timely, smooth transition from the existing channels to the replacement channels.

Cost Management: The City's process must allow the internal project management team to track costs associated with rebanding and to report, pursuant to Change Notices required under the

terms of the FRA, whether costs are exceeding estimates. Absent this ability, the City would be hard pressed, if able at all, to fulfill its obligations under the Change Notice terms of the FRA that are intended to inform to Nextel's benefit any anticipated increase in the overall cost of rebanding that exceeds the estimates within the FRA. Concurrently, this ability will allow the City to consider whether one department, precinct, or other subdivision of the City is recording higher than usual costs in its participation in rebanding and to seek an explanation for this anomaly. This feature is, then, necessary for the purpose of fulfilling the City's obligations to report unanticipated costs pursuant to Change Notices and to assure that the rebanding is performed for the minimally required costs.

Interoperability: Since the City must track specific assets, including those which include channels licensed to other agencies, the City requires the ability to sort radios by channels which are affected by other agencies' rebanding efforts, identify those radios' locations, and to participate in the efficient rebanding of other agencies' systems as such rebanding affects the City's radios.

Security: The data gathered by the City requires a secure platform of information, including that information deemed sensitive related to the number and location of vehicles which are then out of service due to rebanding, to prevent unwanted intrusion and use of the information gathered within the project management data files by unauthorized persons who might employ the information to determine weaknesses in the City's ability to respond to emergency in a given area.

Data Standardization There exists no standardized method of maintaining asset data between the City's affected departments and fleets. The City will require a means of standardizing all data related to the rebanding to assure that all such information can be tracked, sorted, and employed for the making of reliable reports for the purpose of project management, reconciliation, Change

Notices, and any audit by the Transition Administrator.

Support: The software to be employed for asset tracking and project management will need to be fully supportable by software designers and the implementation team to respond to inquiries and problems that arise in the recording of all relevant data arising out of rebanding.

Notes and Fields: The asset tracking and project management functions require the ability of the City to create data bases of internal notes to explain anomalies in the rebanding efforts. For example, if wires are broken in the removal of a data terminal, this event must be recorded and stored for the purpose of explaining additional time and materials necessary to complete that unit. If baseline testing shows that a portion of the system is not performing properly upon initial inspection, then the time to bring that unit up to suitable ranges prior to rebanding must be recorded and that time might be segregated from the overall costs, thus resulting in savings to Nextel. Such ability is necessary to either explain higher than expected costs or to segregate out non-reimbursable costs to assure that Nextel is not made to pay to service existing equipment other than to achieve rebanding.

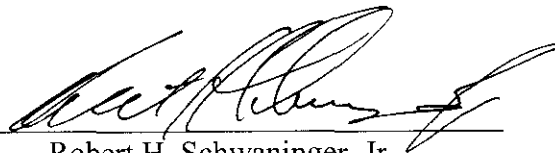
Reports: The City will be required to produce reports related to specific tasks, sorted tasks, specific costs, total costs, time expended, personnel time, etc. Each of these reports should be supported by complete, comprehensive underlying data that justifies or explains every element of the rebanding effort. The data and reports will provide answers to any reasonable inquiry made by Nextel pursuant to reconciliation or the TA pursuant to audit or by local government officials reviewing the City's rebanding efforts and associated costs.

Interrogatory Number 14:

14. Identify all functions, related to the reconfiguration of Boston's system, for which asset tracking is not necessary.

Answer to Interrogatory 14: None as "asset tracking" is generally interpreted by Boston.

Respectfully submitted,
CITY OF BOSTON, MASSACHUSETTS

By 
Robert H. Schwaninger, Jr.

Dated: September 4, 2006

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CERTIFICATE OF SERVICE

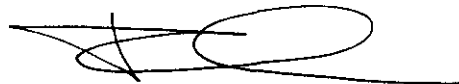
I, Fredrick Logan, hereby certify that on this 4th day of September, 2007, I hand delivered a copy of the foregoing Answers to Nextel Corporation, Inc's First Set of Interrogatories to the following persons:

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and by facsimile to

Chief Administrative Law Judge Richard L. Sippel
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A handwritten signature in black ink, appearing to read 'Fredrick Logan', is written over a horizontal line.

Fredrick Logan